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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Tenth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 May 1994, at 3 p.m.

Chairperson: Mr. ALSTON

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GE.94-16574 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Second periodic report of Iraq (continued) (E/1990/7/Add.15; E/C.12/1994/WP.3)

1. Mr. HAMASH (Iraq) said that he would try to reply as fully as possible to the questions put by members of the Committee. Any supplementary information required would be submitted in writing as soon as possible.

2. Replying to the question on restrictions applied to women travelling abroad, he said that certain limits had been imposed after the economic embargo began in August 1990 because of the difficult economic situation in Iraq and in order to prevent unnecessary expenditure on travel abroad. Women took part in many conferences and symposia outside Iraq and could continue higher education in foreign establishments. They were entitled to travel abroad, if accompanied.

3. With regard to the question on private schools, he said that the Revolutionary Command Council had abolished private schools. Subsequently, following educational reforms, they had been legalized. Iraq had private vocational centres and institutes to train people in subjects such as typing, shorthand and computer sciences.

4. As to why the literacy campaign had targeted 25 per cent of women and 15 per cent of men between the ages of 15 and 45, he said that Iraq had planned to educate approximately 2 million people. The age group selected was that in which illiteracy was most prevalent. Young children had not been targeted in the campaign because they were already receiving compulsory education. All those who had presented themselves at centres for the eradication of illiteracy had been enrolled.

5. Turning to the question on whether foreign diplomas were accepted as academic qualifications in Iraq, he said that in general they were, once a committee had examined them to ensure that their academic level was satisfactory.

6. A question had been raised as to the difference between higher education and higher studies. Higher studies tended to be postgraduate programmes.

7. In general, problems in education in Iraq arose as a result of the economic embargo. Schools were closing due to a lack of equipment, including desks and books. Education in Iraq was gradually becoming a luxury. Many families were no longer able to find funds for clothing and for their children's transport to school. Iraq was a party to the Covenant and was willing to implement it. However, circumstances beyond Iraq's control were preventing it from doing so. Following the end of the war in Iran in 1988 and before the Gulf crisis, Iraq had tried very hard to improve living conditions and resolve social problems. However, its attempts had been shortlived as the

war had interrupted its efforts. The economic embargo on Iraq was a violation of human rights and was the cause of incurable, cultural, moral and social diseases and constituted a blatant disregard for humanity.

8. The answer to the question of whether students returning to Iraq from education abroad were punished, was categorically in the negative. Students were free to study abroad and return to their homeland whenever they wanted and were subjected to no form of intimidation or punishment.

9. With regard to the difference in salary between teachers and other civil servants he said that teachers received increments of 100 dinars for working in remote areas, 70 dinars by way of vocational allowance, 50 dinars for work as a headmaster or assistant headmaster and 100 dinars for transport.

10. With regard to academic promotion, the lowest grade was assistant lecturer, who usually had an MA, MSc or equivalent. After three years of service and the publication of two pieces of research, he would be promoted to instructor. After four years and three pieces of research he would become an assistant professor. After five years, and providing his research was original, he would reach the rank of professor. The same rules on promotion applied both to Iraqi and non-Iraqi teaching staff.

11. In response to the question on whether the Turkoman population enjoyed their own places of worship and schools, he said that they were fully entitled to their own mosques. The Turkoman population had its own newspaper and broadcasting station in Iraq. The station was run by the Government and like other government organs was bound by the policy of the State.

12. With regard to the question on whether Syriac teachers and students had been excluded from schools, he said that no such thing had happened in Iraq. Furthermore, in response to the question on whether Shiite schools had been destroyed he said that was completely out of the question.

13. With regard to the question on whether Shiite teachers and students had been imprisoned in 1991, he drew attention to document A/46/46.

14. As to the question on whether Shiite books were prohibited, he said that the books of all sects were freely available. The State only prohibited books that promoted sectarianism or enmity between religions.

15. In reply to the question on whether Central Government paid the salaries of teachers in Autonomous Regions, he said that he would reply in writing. However, as far as he knew, there was no official contact with the Autonomous Region and it was difficult to send teachers' salaries there. Food and assistance were provided to the Autonomous Region and transported by non-governmental organizations. Restrictions on teachers' travel abroad had been imposed, as a result of the embargo.

16. In response to the statement made by a member of the Committee that the people of Iraq were living in an atmosphere of fear and intimidation and that human rights were not improving, he said that information from the State Department was not reliable as there was inevitably an element of bias and a political slant. If members of the Committee wished to visit Iraq to see for

themselves the situation, the Government although unable to pay for the ticket due to a lack of hard currency, would be willing to pay their expenses.

17. Mr. TEXIER, speaking on a point of order, said that when referring to the situation in Iraq he had chosen his words carefully and based his statement on information from a variety of reliable sources including the Commission on Human Rights and non-governmental organizations, in an effort to remain objective.

18. Mr. HAMASH (Iraq) said that he did not wish to question the objectivity or validity of sources but was merely expressing an opinion.

19. With regard to the question on whether there was a Kurdish broadcasting station and whether it operated freely, he said that it was a government station and therefore subject to State laws. The Kurdish language was taught in the Autonomous Region.

20. With regard to the teaching of Islam, only Muslim students received such instruction. Non-Muslims were free to withdraw from classes at any time and receive education on their own religion. In response to the question on whether Christians had to work on Sundays, he said that the situation was no different from that of Muslims in Christian countries. However, Christians could take time off at Christmas, Easter and other recognized religious festivals.

21. Turning to the question on whether any Syriacs held important positions in government or public service, he said that public officials were appointed on the basis of merit, not according to their sect.

22. As to the question on whether the autonomy law was applied in Kirkuk, he said that it was not applied, as Kirkuk was a governorate.

23. With regard to the request for clarification of the meaning of the socialist sector mentioned in paragraph 7 of the report of Iraq (E/1990/7/Add.15) he said that it covered the public sector and public property.

24. As to whether certain villages had been destroyed and their populations displaced, he said that during the war with Iran, many people had fled their homes. Iraq was trying to help those people to resettle in their towns and villages.

25. With regard to the question relating to the situation of the so-called Marsh Arabs, he said that they were no different from any other Arab. The Third River Project aimed to improve the soil. Iraq had made its position on the Marsh Arabs very clear in its reports to human rights bodies as could be seen from documents A/48/875 and A/C.3/47/2. The Marsh Arabs were not subject to any form of discrimination.

26. With regard to the question on whether Iraqis of Iranian origin had to bear a special mark distinguishing them, he said that the idea was unthinkable.

27. Mr. SIMMA requested clarification with regard to paragraph 29 of the report (E/1990/7/Add.15) which set out teachers' salaries in thousands of dinars as opposed to paragraph 31 of the report which spoke only of hundreds of dinars. Furthermore, it seemed incredible that teachers should earn approximately 12 times more than other civil servants.

28. The replies of the delegation of Iraq to the Committee's questions were in parts unsatisfactory. Sweeping references to United Nations documents which were not before the members of the Committee made no contribution to an ongoing and fruitful dialogue. The delegation should openly state the official position of the Government of Iraq with regard to the Marsh Arabs. Furthermore, there were no grounds for disputing or rejecting the use of the term Marsh Arab which was common currency and legitimate. Disputes over terminology deflected attention away from the salient issue.

29. Mr. WIMER ZAMBRANO noted that the recently enacted Education Act had not prohibited the establishment of private schools. It had not been clear, however, whether any restrictions were placed on them in either legal or academic terms and, if so, what such restrictions were.

30. Mr. TEXIER, recalling that the Commission on Human Rights had adopted two resolutions requesting the Secretary-General to adopt measures enabling a human rights monitoring team to be sent to Iraq and that the Sub-Commission had subsequently taken up those resolutions, recognizing the gravity of the human rights situation in Iraq, asked whether the resolutions had been followed up and whether a mission had been sent.

31. Mr. HAMASH (Iraq), responding to Mr. Simma's remarks concerning teachers' salaries, acknowledged that the figures given in paragraph 29 of the report might be misleading; there was a hypothetical flavour to them, in that the amounts quoted for any one year represented the Government's overall expenditure on the arbitrary number of 1,000 teachers in relation to the corresponding proportion of civil servants. It should be said, however, that teachers received special allowances which civil servants did not. Teachers had recently been paid allowances of 100 dinars for transportation and of 200 dinars for those in remote areas. The position of university teachers was quite different: they received half as much again as a civil servant. With regard to the question on private schools, he said that the recent Education Act had stipulated that private schools could be operated, but at the same time the provision that education was free had not been deleted. In other words, no private school could be run on a profit-making basis, although that clearly ran counter to the wishes of those operating such schools.

32. Mr. HUSSAIN (Iraq) referring to the alleged disappearance of a certain number of students, said that letters received from the Working Group on Enforced or Involuntary Disappearances after the Gulf War had been transmitted to Baghdad; the Government's responses with regard to some of those cases appeared in the Working Group's report. Some of the students involved had turned out to be still living in their home towns; on others the Government had no information. It was quite possible that they had disappeared during the war.

33. On the question of the so-called Marsh Arabs, he said that he had cited the relevant document numbers because Iraq's position had been laid out carefully before the Security Council and elsewhere, and a brief exposition might give the wrong impression. However, although he believed that the matter did not come under articles 13, 14 and 15 of the Covenant and was therefore of no concern to the Committee, he was prepared to state that despite studies carried out in the 1950s by experts from the United States of America, the United Kingdom, Brazil and Russia showing the feasibility of such a scheme, there had been no government policy to drain the marshes; but the economic embargo, in preventing the previously substantial flow of imports, had resulted in a pressing need to increase food production, for which more land was required in the southern region of Iraq, near the marshes. Water had therefore been diverted from the marshes to irrigate the newly reclaimed land. As for the question of a human rights monitoring team being sent to Iraq, his country had already stated its position before the Commission on Human Rights and the Committee was not the appropriate forum in which to repeat it. Briefly, the sending of such a team would be an unprecedented interference with Iraq's internal affairs and a violation of its sovereignty.

34. The CHAIRPERSON said that it was perfectly appropriate for the delegation of Iraq to refer the Committee to other United Nations documents, such as the report of the Special Rapporteur on Iraq (E/CN.4/1994/58) and Iraq's response to that report, relating to the Marsh Arabs and the drainage issue. It was up to the Committee to take into account the views of both sides, that of Iraq and that of the Special Rapporteur, who had criticized Iraq for not selling oil, as it had long had the option to do under the terms specified by the Security Council, rather than draining land. The Iraqi delegation was justified in directing the Committee to the specific issues arising out of articles 13, 14 and 15 and their relationship to the broader context. The Committee would keep that balance in mind and would continue to do so in its deliberations.

35. Mr. SIMMA begged to disagree. Although it was not impossible for the Committee to acquaint itself with the documents cited, it would make for a more constructive dialogue if the representatives of Iraq would express themselves in words rather than in document numbers. He added that as a lawyer he refuted the suggestion that any of the issues under discussion were not the business of the Committee. In so far as human rights monitoring or the plight of the Marsh Arabs impinged on economic and social rights, such matters lay fully within the Committee's competence.

36. The CHAIRPERSON said that the issue of competence was simply resolved: it was up to the Committee to show that the issues in question were relevant to the Covenant.

37. Mr. TEXIER said that the representative of Iraq had been wrong to claim that a United Nations human rights monitoring mission would be unprecedented. Such a mission had been sent to Cambodia for several months, although admittedly the situation there was different because it was a matter of a State in the process of renewal; a similar mission had, however, been in place since July 1991 in El Salvador, a sovereign State which had positively requested such a mission.

38. Mr. GRISSA said that it was generally inevitable that solving a problem for the benefit of one group of people harmed the interests of another: even social security could not be provided for some without taxing others. In that context, the question of draining marshlands was far from being a matter only for Iraq; it was related to the whole question of the flow of water in the Euphrates, for example, and its division between Syria, Turkey and other countries. He pointed out that the United States and Mexico had similarly quarrelled over the division of the waters of the Colorado River.

39. The CHAIRPERSON said that the point at issue between the Government of Iraq and the Commission on Human Rights Special Rapporteur on Iraq was whether draining the Euphrates could be justified on practical grounds or whether it had a political motive. It was a matter that the Committee could examine only with a full understanding of the relevant documents.

40. Mr. SIMMA said that it was clear from the Special Rapporteur's report (E/CN.4/1994/58) that the land drainage was a human rights issue. Reverting to a previous question, he asked the representative of Iraq to comment on the claim that a Shiite college of jurisprudence in Najaf had been practically taken over by Baghdad.

41. Mr. HAMASH (Iraq) said that as far as he knew there was a college of jurisprudence in Najaf; a university had, however, recently been opened in Kufah, a suburb of Najaf, and had become responsible for all institutions of higher education in Najaf, presumably including the college of jurisprudence.

42. Mr. HUSSAIN (Iraq) said that although his delegation might think that the issue of the so-called Marsh Arabs was outside the Committee's competence, it had not expressed its view so bluntly and the Chairperson himself had asked the delegation to keep within the framework of articles 13, 14 and 15.

43. Turning to the issue of the human rights monitoring team, he said that the situation of El Salvador was quite different from that of Iraq. El Salvador had been in a state of civil war - which Iraq was not - and it had requested the mission itself. In the case of Iraq it constituted an interference in its internal affairs.

44. The CHAIRPERSON assured the representative of Iraq that he would not be out of order in discussing the issues that had been raised.

45. Mr. ALVAREZ VITA asked when he would receive replies to the specific question he had posed the previous day concerning the bishop whom he had named.

46. Mr. HAMASH (Iraq) said that he had no information on the matter and assured Mr. Alvarez Vita that he would reply in writing.

47. The CHAIRPERSON thanked the delegation of Iraq for appearing before the Committee, introducing its report and answering questions put by members. The next stage would be for the Committee to prepare its concluding observations

in closed meeting. Those observations would be issued on the final day of the session.

48. Mr. Hamash, Mr. Hussain and Mr. Salman (Iraq) withdrew.

ORGANIZATION OF WORK (agenda item 2) (continued)

Draft General Comment on the economic, social and cultural rights of the elderly (E/C.12/1993/WP.21)

49. Mr. TEXIER said that the Working Group composed of Mrs. Jiménez Butragueño, Mr. Alvarez Vita and himself had considered the draft General Comment and decided that some redrafting was needed.

50. Mrs. JIMENEZ BUTRAGUEÑO said that to take account of criticism that the draft General Comment needed to be less academic and more forceful, she would prepare an amended text for consideration the following week, in consultation with other members of the Committee including the Chairperson.

Draft General Comment on persons with disabilities (E/C.12/1993/WP.26)

51. Mr. TEXIER said that the Working Group had agreed that the draft General Comment needed only minor drafting changes and could now be considered by the Committee.

52. The CHAIRPERSON said that the draft General Comment on persons with disabilities, for which he was responsible, was a long document. That was because the General Assembly in 1993 had adopted a very lengthy set of Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which had had to be taken into account; and also because the draft General Comment covered the entire range of economic, social and cultural rights as applied to persons with disabilities. It would have been impossible to say anything relevant in a few brief paragraphs.

53. The inspiration for the draft was a former intern, Ms. Teresia Degener. Although armless, there was nothing Ms. Degener was unable to do including typing the draft outline for a General Comment. She had raised the issue of economic and social rights for persons with disabilities and asked why the Committee did not address it. Following a report by Mr. Leandro Despouy (E/CN.4/Sub.2/1991/31), the Commission on Human Rights had asked the Committee to take a leading role in relation to the question of persons with disabilities. The adoption of the draft General Comment would be a direct response to that request.

54. He called for comments of a general nature, after which the text would be considered paragraph by paragraph.

55. Mr. WIMER ZAMBRANO observed that "persons with disabilities" would be better translated in Spanish as "minusválidos" rather than "personas con discapacidad".

56. Mrs. JIMENEZ BUTRAGUEÑO, while agreeing with that point, considered that a more positive formulation would be "personas que padecen alguna minusvalía".

57. The CHAIRPERSON said in drafting the text of the draft General Comment he had used the text of the draft Standard Rules, which he understood had not been amended.

58. The issue raised by Mr. Wimer Zambrano and Mrs. Jiménez Butragueño was an important one. However the Standard Rules adopted by the General Assembly - the latest and most authoritative United Nations document on the matter - used the term "persons with disabilities" ("personas con discapacidad") which he had therefore adopted, even though there were differences of opinion about the terminology within the disabled community.

59. Mr. CEAUSU pointed out that the thrust of the draft General Comment was to make it possible for persons with disabilities to lead a normal life. However, there were some persons who had no hope of recovery and were entirely dependent on others in order to eat, drink and carry out their natural functions. He therefore suggested the addition of one or two paragraphs to take account of the special needs of such persons, their families and carers.

60. The CHAIRPERSON said that although his intention was to have the General Comment adopted at the present session, if at all possible, he was open to any proposals for improvements.

61. Mrs. JIMENEZ BUTRAGUEÑO endorsed the point raised by Mr. Ceausu, but suggested that amendments should be submitted in writing.

62. Mr. SIMMA agreed with the point raised by Mr. Ceausu, and suggested that he might draft a supplementary paragraph for consideration by the Committee the following week.

63. After a short discussion, the CHAIRPERSON suggested that the Committee should try to approve the text at its present meeting. It would consider the text paragraph by paragraph, and Mrs. Jiménez Butragueño would indicate the amendments proposed by the Working Group. Any substantial amendments or additions would be considered before the final adoption of the text the following week.

64. It was so decided.

Paragraphs 1 and 2

65. Paragraphs 1 and 2 were approved.

Paragraph 3

66. At the request of Mr. WIMER ZAMBRANO, the CHAIRPERSON said that the Spanish translation of the term "disability" would be brought into line with the term used in the Standard Rules.

67. Paragraph 3, as amended was approved.

Paragraphs 5-7

68. Paragraphs 5-7 were approved.

69. In response to a point made by Mr. SIMMA, the CHAIRPERSON said that the term "disabled persons" in the first line should be changed to read "persons with disabilities".

70. Paragraph 8, as amended, was approved.

Paragraph 9

71. Mr. MARCHAN ROMERO said that the expression "temporary preferential treatment" should be amended to take account of the fact that disabilities could be permanent.

72. The CHAIRPERSON suggested replacing the phrase "to give temporary preferential treatment" by the phrase "as appropriate to give preferential treatment".

73. It was so decided.

74. Mr. RATTRAY said that he would prefer the term "special treatment" to "preferential treatment".

75. The CHAIRPERSON said that he could not agree with that suggestion because various disability groups objected to the word "special" as implying second-class treatment rather than favourable treatment. Also, most human rights treaties specifically permitted preferential treatment where necessary for equal enjoyment of rights.

76. Mrs. JIMENEZ BUTRAGUEÑO, also objecting to the word "special", suggested the term "positive action", which was the accepted expression when referring to the status of women and other disadvantaged groups.

77. Mrs. BONOAN-DANDAN said that the term "positive action" seemed to her vague, and urged keeping the stronger word "preferential".

78. The CHAIRPERSON said that he took it the term "preferential treatment" would be retained.

79. It was so decided.

80. Mr. GRISSA said that he saw a logical contradiction between acknowledging the need for preferential treatment and going on to state the objectives as "full participation and equality within the society for all persons with disabilities". The problem was that, precisely because they had disabilities, they were simply not able to participate fully in society - a goal, incidentally, that was Utopian even for those without particular handicaps. The point was to give persons with disabilities all possible help by providing the appropriate environment, in terms of legislation, job opportunities and the like, that would allow them to participate, to the full extent of their capacity, in society.

81. The CHAIRPERSON said that he did not see the contradiction. Obviously, disabilities imposed constraints; but, unless persons with disabilities were subjected to overt discrimination or the various unconscious barriers often

erected to their functioning in society, they would be able to participate fully, though differently. The point was basic, and underscored the need for a general comment. Given the current state of society, there were ways in which much fuller participation could be arranged. Perhaps the words "full participation" could be replaced by "the fullest possible participation".

82. Mr. MARCHAN ROMERO, supported by Mr. TEXIER, observed that the World Programme of Action concerning Disabled Persons specifically used the term "full participation" in that same context. Its wording had been cited in paragraph 7 of the draft general comment, and the text should be consistent throughout.

83. Mr. GRISSA said that he would not insist upon what he would regard as more reasonable wording.

84. THE CHAIRPERSON said that he had hesitated to change the wording for just that reason. The draft general comment should adhere to the standards set in the other United Nations documents on the question, which had been adopted unanimously after lengthy multilateral negotiations. Its wording should therefore be compatible with the World Programme of Action and especially with the Standard Rules on the Equalization of Opportunties for Persons with Disabilities, also referred to in paragraph 7. The Committee was drafting an aspirational document that gave expression to the ideal. It need not qualify all difficulties, but should rather establish the goals and hold to that level.

85. He took it that the term "full participation" would therefore be retained.

86. It was so decided.

87. Paragraph 9, as amended, was approved.

Paragraph 10

88. Mr. GRISSA said that the causes of disabilities should be addressed somewhere in paragraph 10, which dealt only with the negative impact of economic constraints. Disabilities were preponderantly man-made, as a result of maiming in warfare. Prevention was more important than cure.

89. The CHAIRPERSON agreed to draft appropriate wording regarding the effects of war.

Paragraph 11

90. Mr. MARCHAN ROMERO observed that the second sentence of paragraph 11 spoke only of ensuring the equitable treatment of persons with disabilities, without referring to the second goal of full participation, as set out in the World Programme of Action Concerning Disabled Persons and as cited in paragraph 7 of the draft. He suggested that paragraph 11 should be also brought into line with paragraph 7.

91. It was so decided.

92. Mr. WIMER ZAMBRANO said that it would be more accurate to say in the first sentence that Governments had decided to follow free market policies rather than that they were increasingly relying on them.

93. The CHAIRPERSON proposed replacing the word "reliance" by the word "commitment" and the phrase "upon free market forces" by the phrase "to free market policies".

94. It was so decided.

95. Mrs. IDER said, with regard to the third sentence advocating the imposition of norms on the private sector, that in many developing countries policies could not be imposed by legislation as in the developed countries, but only through incentives.

96. The CHAIRPERSON said that the previous speaker would have an important point if the sentence sought to impose special affirmative action obligations upon the private sector, rather than simply holding it to certain general norms of equality and non-discrimination. It was just as applicable in developing as in developed countries that Governments had to ensure the observance of such norms by the private sector as well, otherwise the advocacy of preferential treatment became a hollow gesture. It was in fact more applicable in third world countries, which could realistically be held only to avoiding overt discrimination. To ask them to offer financial incentives to the private sector was even more optimistic than it would be in the West.

97. Mr. GRISSA said that he did not see why the private sector was singled out, when public enterprises could be just as guilty.

98. The CHAIRPERSON agreed, but pointed out that the second sentence of paragraph 11 had referred to regulation of both the public and private spheres, and that the rest of the draft general comment was directed at the public sector as well.

99. He took it that, except for the change in the first sentence, the Committee wished to retain the text as it stood.

100. It was so decided.

101. Paragraph 11, as amended, was approved.

Paragraph 12

102. Mr. CEAUSU said that he thought too much of a burden was placed on the free market in paragraph 12 and others. Perhaps in the third sentence it could be said that "sweeping economic reforms" rather than "the operation of the free market" could produce unsatisfactory results for persons with disabilities.

103. Mr. GRISSA said that any economic system would have unsatisfactory results, even a planned economy. Those who could not take care of themselves - women, the elderly, those with disabilities - needed government

protection in any case; and, indeed, no free market system had ever operated without government intervention to regulate it.

104. The CHAIRPERSON observed that it was a fact that the free market was currently the dominant ideology, and he believed it to be the most effective and successful economic system ever devised. There was, however, a tendency for Governments to take the easy way out, to maintain that, having abandoned socialism, the free market would take care of everything. Paragraph 12 was saying that the free market did not necessarily ensure protection for the disabled, and that Governments must take special measures to see to that.

105. Mr. GRISSA said that the free market needed no defence; nor should it be singled out by a value judgement. He would delete the third sentence.

106. The CHAIRPERSON suggested replacing the clause "the free market will produce unsatisfactory results" by the clause "the free market will not succeed in producing in satisfactory results".

107. Mr. KOUZNETSOV observed in response to Mr. Grissa, that major changes always had a negative impact and the Covenant always advocating minimizing any such negative impact, regardless of the economic system.

108. He agreed with the Chairman's assessment of the market economy and the attitude of former planned-economy Governments. However, it seemed out of place to link the Covenant and market mechanisms as was done in the first sentence, since the Covenant made no value judgement on the free market. The word "entirely" made it sound as if the Covenant was a hymn to the free market.

109. Mr. RATTRAY observed that paragraph 12, like paragraph 11 before it, referred to the fact that the obligations of States were not relieved if services were not delivered in either the public sector or the private sector. Both paragraphs as drafted were acceptable to him.

110. Mr. SIMMA said that he found Mr. Rattray's clarification of the structure of paragraphs 11 and 12 enlightening. The text recommended that all systems should produce satisfactory results, but paragraph 12 was specifically considering the free market.

111. Mr. Kousnetsov's point was well taken, and he proposed replacing the phrase "is entirely consistent" with the phrase "is as such consistent".

112. It was so decided.

113. Mr. GRISSA said that he still could not accept paragraph 12 as it stood, because he saw no connection between the market economy and the solution to the problems of persons with disabilities.

114. The CHAIRPERSON thought that it was simply a problem of semantics and asked Mr. Simma and Mr. Grissa to consult and revise the wording of the paragraph appropriately.

The meeting rose at 6 p.m.